

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NEU PRODUCTIONS INC. et al.,

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Plaintiffs,

-v.-

OUTSIDE INTERACTIVE, INC.,

Defendant.

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ORDER

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23 Civ. 4125 (LAK) (GWG)

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GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

This Order is issued to seek clarification from the parties regarding issues relating to licenses/contracts raised by defendant's motion to dismiss (Docket # 22).

In the amended complaint (Docket # 19), plaintiffs attach and reference three "production contracts." See Docket ## 19-1, 19-2, 19-3. The parties dispute the scope of the licenses created by these documents. See Docket # 19, ¶ 22 ("Indeed, the language quoted above makes clear that the license to use the content is limited to the use specified in the contract . . ."); Docket # 23, at 8 ("[N]o such limit actually exists in the agreements."); Docket # 25, at 9 ("There is no need to go outside the contracts to ascertain the meaning of the language limiting the license . . ."). Neither party, however, points to any language contained in these documents that actually creates a license. While such language is present in the "Marigold" contract, see Docket # 19-4, it is unclear from the briefing what particular licensing language the Court is being called upon to interpret in Docket ## 19-1, 19-2 and 19-3.

Accordingly, on or before December 19, 2023, plaintiffs shall file a letter addressing how Docket ## 19-1, 19-2, 19-3 create the license the parties discuss in their briefing. Defendant's response shall be filed on or before December 22, 2023. The parties may by agreement change the due dates of these filings without Court order as long as the agreed-upon schedule is disclosed in a letter filed on ECF.

SO ORDERED.

Dated: December 13, 2023
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge